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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,892	04/15/2004	Etienne de Fontenay	03161.116303	7316
5514 7590 08/05/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
WILLIAMS, THOMAS J				
ART UNIT		PAPER NUMBER		
3683				
MAIL DATE		DELIVERY MODE		
08/05/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/824,892

**Applicant(s)**

DE FONTENAY ET AL.

**Examiner**

Thomas J. Williams

**Art Unit**

3683

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on June 9, 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 8 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 7 and 9-13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-108)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 9, 2008 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-6, 8, 14, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,622,996 to Mayerbock et al.

Re-claim 1, Mayerbock et al. a hydroelastic joint, comprising: an external reinforcement 2 and an internal reinforcement 3, each reinforcement has a longitudinal axis, the external reinforcement and the internal reinforcement are disposed one around the other and intended to be fixed respectively external components (see figure 3); an intermediate reinforcement 1; an assembly forming a hydroelastic spring is disposed between the external reinforcement 2 and the intermediate reinforcement 1 in order to permit a relative transverse displacement between the external reinforcement and the intermediate reinforcement, the assembly comprises a first

elastically deformable element 4 shaped in order to delimit between the external reinforcement and the intermediate reinforcement a sealed volume containing damping fluid (interpreted as the volume within the external reinforcement); a plurality of longitudinal bosses (as best shown in figure 2) separates the sealed volume into a plurality of chambers 12 and 13; a second elastically deformable element is disposed between the intermediate reinforcement 1 and the internal reinforcement 3, the second elastically deformable element forms an elastic spring and has a longitudinal dimension less than a corresponding longitudinal dimension of the first elastically deformable element, in order to limit a transverse deformation of the first elastically deformable element during a relative tilting of the longitudinal axes of the external reinforcement and the internal reinforcement about at least one transverse tilting axis, the longitudinal dimension of each of the first and second elastically deformable elements being defined as an axial dimension of a portion that substantially fills a radial space between corresponding ones of the reinforcements (see figure 2, the longitudinal dimension of the second elastic spring is less than the first elastic spring), the intermediate reinforcement is disposed between the first and second elastically deformable elements, the first and second elastically deformable elements adhere without interruption to the intermediate reinforcement, the second elastically deformable element adheres without interruption to the internal reinforcement.

Re-claims 4 and 5, see peripheral reinforcement element imbedded within the first elastic spring; in addition the bent portions of the external reinforcement appear to fix all the elements in position without adhesion.

Re-claim 6, the sealed volume is separated into two chambers by the bosses (as shown in figure 2), in addition the chambers are connected to each other by passage 14.

Re-claim 8, the first elastic spring is provided with internal bosses that will function as stop elements, see figure 1.

Re-claim 14, Mayerbock et al. disclose that the rubber bearing may be manufactured in a single vulcanization cycle, see column 3 lines 18-19.

Re-claim 16, the axial end portions of the intermediate member 1 will abut a piece of the structure, see figure 3, and prevent further deformation of the joint.

Re-claim 17, see figure 3 and column 2 lines 66-67 to column 3 lines 1-6.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayerbock et al. in view of US 5,301,414 to Gautheron.

Mayerbock et al. fail to teach the internal reinforcement having an enlarged wall section at the longitudinal ends. Gautheron teaches an internal reinforcement having an enlarged and thickened wall sections at each longitudinal end. This provides reinforces the end portions of the internal member, see column 4 lines 13-22 and lines 40-44. It would have been obvious to one of ordinary skill in the art to have provided the internal reinforcement of Mayerbock et al. with enlarged end walls as taught by Gautheron, thereby reinforcing the end surfaces of the internal reinforcement.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayerbock et al.

Mayerbock et al. fail to teach the joints fixed to the beam to form an angle greater than 20 degrees, which is merely interpreted by the examiner as a design choice. As such it would have been obvious to one of ordinary skill as a matter of design choice to have provided the joints at the recited angle, since the applicant has not disclosed that having the joint positioned at this angle solves any stated problem or is for any particular purpose and it appears that the joint would have performed equally well and as intended when having been positioned at the recited angle.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 4-8 and 10-18 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

9. Claim 19 is allowed.

10. Claims 7 and 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW  
July 25, 2008

/Thomas J. Williams/  
Primary Examiner, Art Unit 3683